

**Response to Missing  
Requirements Under  
35 USC § 371**

Attorney Docket No.: DAIRY88.017APC

First Named Inventor: Wiles et al.

Int'l Application No.: PCT/NZ2004/000176

US Application No.: 10/567,918

Entered National Phase: February 6, 2006

Title: PRODUCTION OF PROTEIN COMPOSITION FROM A  
DAIRY STREAM AND ITS USE AS AN INGREDIENT IN  
THE MANUFACTURE OF A CHEESE

**Direct all correspondence to Customer No.: 20995**

Date: November 7, 2006

Page 1 of 1

**Mail Stop PCT**

United States Patent and Trademark Office

PO Box 1450

Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments  
are being deposited with the United States Postal Service as first-class  
mail in an envelope addressed to: United States Patent and Trademark  
Office, PO Box 1450, Alexandria, VA 22313-1450, on

November 7, 2006

(Date)

Andrew N. Merickel, Reg. No. 53,317

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated August 8, 2006.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 2 pages.
- (X) Return prepaid postcard.

**FILING FEES NOT YET PAID:**

FEE CALCULATION				
FEE TYPE		LARGE FEE	CALCULATION	TOTAL
Late Oath/Decl.	37 CFR § 1.492(h)	1617 (\$130)		\$130
1 Month Extension	37 CFR § 1.17(a)(1)	1251 (\$120)		\$120
			<b>SUB TOTAL</b>	\$250
			<b>TOTAL FEE DUE</b>	<b>\$250</b>

- (X) A check in the amount of **\$250** is enclosed to cover the above fees.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.

11/16/2006 ATRAN1 00000151 10567918

01 FC:1617 130.00:0P

11/16/2006 ATRAN1 00000151 10567918

02 FC:1251 120.00:0P

3073382  
103106

Andrew N. Merickel  
Registration No. 53,317  
Attorney of Record  
Customer No. 20,995  
(415) 954-4114



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/567,918	FIRST NAMED APPLICANT PETER GILBERT Wiles	ATTY. DOCKET NO. DAIRY88.017APC		
		INTERNATIONAL APPLICATION NO. PCT/NZ04/00176		
		<table border="1"> <tr> <td>I.A. FILING DATE 08/06/2004</td> <td>PRIORITY DATE 08/07/2003</td> </tr> </table>	I.A. FILING DATE 08/06/2004	PRIORITY DATE 08/07/2003
I.A. FILING DATE 08/06/2004	PRIORITY DATE 08/07/2003			

20995  
 KNOBBE MARTENS OLSON & BEAR LLP  
 2040 MAIN STREET  
 FOURTEENTH FLOOR  
 IRVINE, CA 92614

CONFIRMATION NO. 5896

371 FORMALITIES LETTER



\*OC000000019925650\*

Date Mailed: 08/08/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/06/2006
- Copy of the International Search Report filed on 02/06/2006
- Preliminary Amendments filed on 02/06/2006
- Information Disclosure Statements filed on 02/06/2006
- U.S. Basic National Fees filed on 02/06/2006
- Priority Documents filed on 02/06/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/567,918	PCT/NZ04/00176	DAIRY88.017APC

FORM PCT/DO/EO/905 (371 Formalities Notice)